

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Lars OLSON et al. Conf. 5943

Application No. 10/619,545 Group 1652

Filed July 16, 2003 Examiner D. Ramirez

ADH7 NUCLEOTIDES

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
FOR PURPOSES OF COPENDANCY**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 13, 2009

Sir:

Pursuant to the provisions of 37 CFR § 1.137(b), applicant hereby petitions to revive the present application for purposes of copendency.

A reply to the Final Rejection was previously submitted in the form of a continuing application, Serial No. 11/798,683, which was filed on May 16, 2007.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The Commissioner is hereby authorized to charge the petition fee of \$1,620 as set forth in 37 CFR § 1.17(m) to Deposit Account No. 25-0120.

Applicant obtained a one-month extension of time extending the period to March 16, 2007 for reply to the Final Rejection. Applicant also previously authorized the Commissioner to charge payment for any fees required under 37 CFR § 1.16 or 1.17 on March 16, 2007 in this application, and again authorized the Commissioner to charge payment for any such required fees on May 16, 2007 in the above-noted reply in the form of continuing application Serial No. 11/798,683, each

of which constituted a constructive petition for an extension of time in any concurrent or future reply for timely submission of the reply, as set forth in 37 CFR § 1.136(a)(3). It has come to applicant's attention that the above-noted constructive petitions were not decided upon.

Applicant believes that no fee for extension of time under 37 CFR § 1.136 is required in connection with this petition. However, the Commissioner is hereby authorized to charge payment or credit overpayment to Deposit Account No. 25-0120 for all required extension of time fees, as well as all required fees in connection with this petition.

Accordingly, it is believed that the requirements of 37 CFR § 1.137(b) are satisfied, and that the present petition should therefore be granted.

Such action is respectfully requested.

Respectfully submitted,

YOUNG & THOMPSON

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JRS/abs